

KY Environmental Quality Commission 1997 Clean Water Campaign

*A campaign to build public awareness and
identify opportunities to address water
pollution problems in Kentucky*

Recommendations



December 10, 1997

Kentucky Environmental Quality Commission

A seven member advisory board created under state law with a mission to:

- Facilitate public discussion and resolution of environmental issues,
- Monitor environmental trends and conditions
- Promote partnerships to improve and protect the environment for future generations
- serve as an advisory board to state officials on environmental matters.

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Environmental Quality Commission

1997 Clean Water Campaign



The Kentucky Environmental Quality Commission (EQC) embarked on a Clean Water Campaign in 1997 to build public awareness and identify opportunities to address water pollution problems in the Commonwealth. The Commission held three public forums across the state. Federal, state, local, and community experts were invited to review water quality issues and to provide Kentuckians with a chance to learn more about the challenges confronting their waterways.

North Fork of the Kentucky River

Public Forum May 29-30, 1997

More than 50 people attended an evening forum in Hazard to review straight pipe and other pollution issues confronting the North Fork of the Kentucky River. A tour of several areas with straight pipe sewage discharges was also held to view pollution problems firsthand.



Barren River Watershed

Public Forum July 21-22, 1997

More than 60 people attended an evening forum in Bowling Green to review wastewater, agriculture, and septic tank pollution problems in the watershed. A tour of chicken and hog farms was also held to assess the potential impacts to the watershed from intensive livestock operations.



Floyd's Fork Watershed

Public Forum October 16-17, 1997

More than 80 people attended an evening forum in Louisville to discuss urban, wastewater, and floodplain issues confronting the watershed. A raft float of the Floyd's Fork was also held to view and discuss water quality impacts to the watershed.



Recommendations

EQC has developed a set of recommendations based on its findings from *Clean Water Campaign* Forums held across the state as well as information collected from several water quality experts in Kentucky. The following recommendations are offered as common sense approaches to addressing some of the state's most pressing water quality problems.

I. On-Site Sewage Systems

Problem - Only 56% of the state's households are connected to public sewers. The remainder must rely on on-site sewage treatment for the treatment and disposal of sewage. Unfortunately, a number of households are disposing of their sewage illegally through straight pipes. While the number of illegal straight pipe discharges are unknown, it is considered a widespread problem contributing to water pollution problems across the state. In addition, many septic systems are poorly sited, constructed, and maintained and are contributing to water pollution problems in Kentucky.

Recommendations - Addressing on-site sewage problems will take a concerted effort among state and local officials. Tackling this tough issue will require a comprehensive approach which includes new and strengthened regulatory, financial, and education initiatives. EQC offers the following recommendations as opportunities to focus additional attention and resources on this pervasive problem.

1. Passage of state legislation to require proper sewer hookup or an approved on-site septic system prior to state approval of electrical wiring for a new structure (BR 275 - Appendix A).

Kentucky must put an end to the proliferation of straight pipes. Some 21 counties have local ordinances to require certification of proper sewage treatment and disposal prior to the approval of electrical service in a new dwelling. As a result of these ordinances, the number of on-site sewage permits issued in these counties have increased significantly. For example, in Letcher County the number of on-site sewage permits doubled from 93 in 1995 to 181 in 1996 after an ordinance was passed last year. Kentucky cannot afford to wait for all counties to pass similar ordinances and should move forward in [adopting state legislation to stop the proliferation of straight pipes](#).

2. Creation of a low-interest revolving loan and hardship grant program to fund priority on-site and alternative wastewater treatment systems.

Kentucky must [invest in small community alternative wastewater systems and on-site sewage disposal systems](#). Currently no such program exists in the state. There are several programs in other states that could serve as a model for Kentucky. For example, in Pennsylvania the Housing Finance Authority and the Department of Environmental Protection worked together with Pennvest to [create a low-interest](#)

During the EQC Clean Water Campaign the Commission and local officials toured several areas in Perry County where straight pipe sewage discharges from homes were polluting waterways.



[loan program for on-site sewage systems](#) (See Appendix B). Ohio has also established a low-interest revolving loan program for on-site sewage through its Wastewater State Revolving Loan Program (SRL) (See Appendix B). The pilot program requires communities to assess the extent of the straight pipe and on-site sewage problem in order to qualify for funds. A [hardship grant program](#) could also be created for residential on-site sewage systems through the interest accrued from the SRL loan repayments, dedication of onetime general fund surplus monies, or the use of U.S. EPA hardship grant funds (See Appendix C).

3. Statewide On-site Sewage Strategy

EQC supports the development of a statewide strategy (lead agencies - Cabinet for Health Services and Natural Resources and Environmental Protection Cabinet) to target resources and identify opportunities to [strengthen on-site sewage programs](#) including but not limited to:

- Guidelines for the consistent application and enforcement of on-site sewage rules among county health departments and annual reporting mechanisms to ensure accountability.
- Cooperative ventures among state/local agencies to inventory straight pipe problem areas.
- Technical assistance programs to help homeowners with on-site sewage systems.
- Statewide education program to raise public awareness about state sewage disposal rules.
- Development of state/county/city/community partnerships to identify and implement innovative solutions and demonstration projects to meet on-site sewage treatment and disposal needs.

II. Wastewater Treatment Plants

Problem: Improperly operated sewage treatment plants are a major source of water pollution in the Commonwealth. A review by EQC, found that in 1995, 60% of the 3, 227 wastewater treatment plants in Kentucky had documented violations of Clean Water rules.

Recommendations: Kentucky has made significant progress in improving wastewater treatment in the state. However, much more remains to be done to bring problem plants into compliance with water quality rules and to extend sewer services out to more Kentucky households.

1. Targeted enforcement strategy for small package treatment plants. In 1995 alone, 19,400 violations were documented at small package plants. These small prefabricated plants treat wastewater from subdivisions, schools, and mobile home parks. There are 1,706 small package treatment plants in Kentucky. During 1995, 59% of these plants had one or more violations of state water quality regulations. A system is needed to [better track problem package treatment plants](#) in order to identify those with significant compliance problems. A state strategy is also needed to [target enforcement efforts](#) to close or bring these problem plants into compliance.

EQC Commissioners joined Mayor Bill Gorman and city officials during its Clean Water Campaign in dedicating the new Hazard Sewage Treatment Plant. The new \$7.5 million plant serves 3,000 homes and is processing about 1.8 million gallons of sewage a day.



2. Promote the establishment of water sanitation districts. It is not financially feasible for each community to provide sewer services to their residents. Instead, several communities have opted to band together to create sewer sanitation districts to regionalize and consolidate treatment plants and better organize and provide sewer services to residents. Currently there are 21 sewer sanitation districts in Kentucky. Kentucky should [strongly encourage the formation of sewer districts](#) where feasible through [seed grants, incentives, and disincentives](#).

3. Better record keeping for biosolids. The amount of sewage sludge generated in Kentucky and how it is disposed is currently unknown. During 1995, it was estimated that about 12% of this sludge was landfarmed. Kentucky needs to [adopt state regulations to require detailed records on how wastewater treatment facilities manage their biosolids](#) in order to ensure proper treatment and disposal.

4. Protection of intermittent streams. Nearly 58% of Kentucky's streams are considered Class I low-flow intermittent streams. Wastewater discharges to these streams can have severe impacts to the water quality and biological integrity of these streams. It is not known how many sewage treatment plants are discharging into low-flow streams or what the cumulative impacts are. EQC recommends that [a study be conducted regarding wastewater discharges to intermittent streams](#) in order to set priorities for regionalizing wastewater plants and to identify other options to eliminate discharges. EQC also recommends that [no new discharges to 7Q10 low-flow streams be permitted by the state except in cases of economic hardship](#).

III. Pollution from Farms, Urban Areas, Logging Operations, Mines

Problem: Nearly 80% of the state's water pollution problems in assessed waterways are caused by runoff from agriculture, mining, construction, urban, and forestry activities. Runoff pollution is primarily controlled on a voluntary basis in Kentucky relying on various best management practices that reduce erosion and sedimentation.

Recommendations: Runoff pollution remains one of the most pervasive and difficult water quality problems to deal with in the Commonwealth. However, there are opportunities to strengthen existing programs and create new initiatives to tackle this tough challenge.

1. Blue Ribbon Panel for Chicken and Swine Factory Farms. There are significant environmental, economic, and quality of life concerns associated with intensive swine and poultry factory farms. EQC recommends that a [Blue Ribbon Panel be convened to conduct an analysis of the economic and environmental impacts of swine and poultry facilities](#) and an assessment of

EQC toured a chicken house in Warren County as part of its Clean Water Campaign. The breeding operation produced from 9,600 to 5,600 eggs a day from 11,000 chickens. The contract farmer operated two chicken houses for Purdue Farms.



regulatory and other needs to preserve the environmental and economic well-being of the state.

2. Training and certification for loggers, construction site workers. Erosion from timber harvesting and construction operations can be reduced if not prevented by better training and education. A recent University of Kentucky survey found that 52% of logging operations were not adequately controlling runoff pollution. EQC supports a [certification program for loggers](#) as proposed in the *Forest Conservation Act* to ensure the proper use of best management practices. EQC also supports a [certification program for construction site workers](#) to promote the use of best management practices at construction sites. A state program could be adapted after the Maryland “Green card” program which requires training and certification of construction workers in the use of erosion and other controls to prevent water pollution (*see Appendix D*).

3. Encourage local erosion control ordinances. Many runoff water pollution problems are local in nature and will require local solutions. Several counties have recognized this and passed soil control ordinances to require soil and site evaluation and erosion control measures on properties proposed for new residential and commercial development. For example, Madison County passed a county-wide provision as part of its building code to require erosion control plans at construction sites (*see Appendix E*). [EQC recommends that opportunities be explored to promote erosion control measures at the local level](#) which may include seed money and technical assistance to communities to help develop erosion control ordinances. The state could also consider a requirement that communities adopt erosion control ordinances in order to qualify for state economic development or road funds.

4. Support increase in state cost-share program for soil and water conservation. Kentucky falls well below many states that provide cost-share funds to support soil and water conservation. For example, North Carolina provides \$14 million in cost-share funds and Missouri funds its cost-share program at \$10.2 million. The need for conservation cost-share funds in Kentucky are great. During the past 3 years 1,785 applications requesting \$15.5 million in cost-share funds have been received by the state. However, only \$2.6 million was available to fund 334 projects. Additional general funds are needed to support erosion control cost-share projects in environmentally sensitive areas. [EQC recommends that at least \\$1.6 million in general funds be appropriated per year to support the cost-share program](#) (current general fund appropriation is \$600,000 per year). EQC also recommends that statutory changes be made to allow the \$550,000 in agency funds (generated by the pesticide registration fee) used to help support the cost-share program be placed in an [interest bearing account](#) to help supplement the fund.

5. Explore new opportunities to target sedimentation problems. Kentucky must focus additional attention on addressing sedimentation from farmlands, coal mines, forestlands, and construction sites. [Opportunities exist to reduce soil erosion through incentives, disincentives, and education.](#) For example, sediment control is the leading violation cited by state inspectors at coal mines. A strategy including outreach, train-

EQC Commissioners and others toured a swine operation in Warren County. A lagoon is used to hold manure generated from the 1,800 head operation.



ing, and targeted enforcement is needed to improve compliance and reduce sedimentation violations from active coal mines. Riparian area management is another area that requires a more focused and collective approach. Agriculture and other land disturbing activities have led to streamside erosion across the state. A comprehensive assessment of needs and opportunities to protect streamside zones (regulatory, voluntary, cost-share, easements, purchases) is needed to identify innovative ways to protect these environmentally sensitive areas.

IV. Watershed Management

Problem: With 89,000 miles of streams, addressing water pollution problems in Kentucky has been difficult. A watershed based protection approach makes more sense to target water pollution problems and implement solutions more efficiently and effectively.

Recommendation: Water quality programs must be carefully planned, driven by water quality goals, and be flexible enough to implement innovative solutions that address water pollution. Wherever possible, programs should apply water quality goals on a watershed- or waterbody-specific basis.

1. Creation of a Formal Kentucky Watershed Council. Kentucky has begun to move to a watershed-based approach in order to coordinate various state and local efforts and target water pollution problems. Such an initiative was organized by the Division of Water in 1996 which is currently focusing on the Kentucky River basin with other basins to follow. EQC strongly supports watershed protection and recommends that it be formalized through the creation of a Watershed Council in order to ensure continued commitment from state, federal, and local agencies in designing and implementing watershed protection projects. Washington state created such a council (*See Appendix F*). However, Washington officials note that in order to be successful such a council must include strong provisions of accountability along with agency commitment to participate and implement watershed plans. To ensure implementation of a watershed-based approach it is critical that [watershed-based management be legislatively mandated in Kentucky](#). Among some of the responsibilities of the Council could be:

- Coordinate, design, implement, and evaluate watershed basin projects.
- Standardize the collection and utilization of water quality data by watershed among various state, federal, local agencies; universities; local groups; and schools (*see Maryland Model - Appendix G*).
- Set specific quantitative and measurable water quality objectives by watershed and develop indicators to verify achievement of goals.
- Establish a long-term vision for watershed data management among agencies.
- Increase public awareness and understanding of the watershed protection concept.
- Ensure commitment and adequate funding to carry out watershed protection projects.

EQC Commissioners and others toured the Floyd's Fork Watershed to view water quality issues firsthand. Most of the waterway cannot support fishing or swimming due to pollution from sewage and urban runoff.



2. Watershed Coordinators. If Kentucky is to continue to see progress in restoring its water quality a more targeted approach is needed to focus on pollution problems by watershed. EQC recommends that [watershed coordinators](#) be assigned to each field office to help design and implement watershed protection plans and conduct public outreach and coordination.

V. Funding for Water Programs

Problem: Resources are greatly needed to enforce water quality rules in Kentucky. Currently there are only 60 water inspectors to enforce water pollution laws along 89,000 miles of waterways. In many cases, the caseloads of inspectors are great. For example, there are only two water inspectors in the Louisville field office. These inspectors are responsible for inspecting over 1,000 permitted facilities and responding to citizen complaints in a seven county region.

Recommendations: Kentucky must invest adequate resources if it is achieve its mandate to protect the waters of the Commonwealth. In FY 1998, state appropriations of \$10.5 million to finance water programs will amount to a per capita expenditure of only \$2.66 per Kentuckian to protect water quality. While funding is tight, the need to ensure adequate capability to enforce water pollution laws and respond to water pollution problems in a timely fashion must remain a high state priority.

1. Hiring of Field Inspectors. EQC recommends the [hiring of at least nine additional field inspectors](#). These nine additional inspectors will bring the number of inspectors back to 1992 levels prior to budget cutbacks. EQC also supports the [development of regional enforcement strategies](#) for each field office to target water pollution sources and identify compliance needs.

EQC Commissioners reviewed enforcement issues facing the Salt River and other waterways making up the seven county region of the Division of Water's Louisville Field Office. The Office currently has only 2 inspectors to inspect more than 1,000 permitted facilities and respond to complaints.



Appendix G Maryland Water Monitoring Council

Maryland Water Monitoring Council

Purpose:

The MWMC serves as a statewide collaborative body to help achieve effective collection, interpretation, and dissemination of aquatic resource monitoring data used in addressing the issues, policies, and management of the state's waters. The Council operates through consensus building among its members and addresses the full range of aquatic resources, including ground and surface waters, freshwater, estuarine, and marine environments, and associated watershed resources in Maryland.

Goals:

- Provide a forum for effective communication, cooperation, and collaboration among individuals and organizations involved in monitoring.
- Promote the development of collaborative watershed-based monitoring strategies.
- Document monitoring activities in Maryland.
- Promote the use of quality assured procedures for sample collection, performance based analytical methods, assessment, data management, and reporting.

Membership:

Individual from state, agencies, local agencies, federal agencies, volunteer groups, academia, intergovernmental organizations, consultant and industry and at large members.

Appendix B

*** Pennsylvania On-site Sewage Disposal System for the Individual Homeowner**

*** Ohio EPA and Mahoning County Home Sewage Disposal Financial Assistance Program (Ohio EPA's Linked Deposit Loan Program)**

Pennsylvania On-site Sewage Disposal System for the Individual Homeowner

The Pennsylvania Infrastructure Investment Authority provides low-cost financing for wastewater systems across the Commonwealth of Pennsylvania. In some parts of the Commonwealth it may be more cost effective for individual home owners to use on-site sewage disposal systems rather than incur the high costs of constructing long collection lines to service widely scattered properties. As with larger facilities, these individual on-site sewage disposal systems may require improvement, repair, or replacement to meet public health and environmental standards. In order to provide access to the same low-cost financing available to larger systems, Pennvest teamed with the PA Housing Finance Authority and the Department of Environmental Protection to develop a special funding program to meet these needs.

Eligibility:

Loans are available to all citizens of the commonwealth with limited exceptions.

- Family income – must not exceed 150 percent of the statewide median household income, adjusted for inflation. For 1997, the family income limit was \$52,913.
- credit worthiness – financial ability to repay loan.
- loan amount – maximum \$15,000
- project type – rehabilitation, improvement, repair, or replacement of an existing system located on a single family, owner occupied property which is the primary residence of the owner.
- project location – all areas are eligible unless a community wastewater collection and treatment system is either in place or will be constructed in the next five years.
- project costs – construction fees and costs, permit fees, loan origination fees, and legal fees
- documentation – all applicable permits, verification from your local municipality that community wastewater disposal system neither exists nor is planned in the next five years, income and other credit information.

Interest rate:

1.0% per annum.

Term:

Maximum term is 15 years. Must be repaid immediately in full when property is sold or transferred.

Ohio EPA and Mahoning County Home Sewage Disposal Financial Assistance Program (Ohio EPA's Linked Deposit Loan Program)

The Home Sewage Disposal Financial Assistance Program makes low-interest loans available to individual homeowners who upgrade or replace their home sewage disposal system to county standards. This program is the first of its kind in Ohio and possibly the country. For the next three years Ohio's Water Pollution Control Loan Fund will make \$1,425,000 available for use in Mahoning County. Mahoning County has some heavily urbanized areas with centralized collection and treatment, however most of the county is rural making the cost to build sewer extensions prohibitive. Some of these areas have failing or failed home sewage disposal systems, which create a public health hazard and threaten the adjacent water resources. Loans will be made available to individuals in these areas who upgrade or replace their home sewage disposal systems to meet county standards.

Process:

After obtaining a permit (which details the proper installation, operation and maintenance of the onsite systems) from the county, applicants will be issued a certificate they can take to any bank that participates in Ohio EPA's Linked Deposit Loan Program. The lending institution will use its own loan criteria in deciding whether to offer an applicant a loan and will set the interest rate and term of the loan. The lending institution will notify Ohio EPA of the loan, and the Agency will then deposit the amount of the loan in the institution at a reduced interest rate which the lender passes along to the homeowner. Generally, the interest rate reduction is about 3 percent. The Mahoning County General Health District will monitor construction and implementation of the on-site systems.

Appendix F Washington's Watershed Coordinating Council

Washington's Watershed Coordinating Council

In 1994, the State of Washington's Legislature passed legislation that recognized the need to develop consensus regarding the beneficial natural and economic values that watersheds provide. The legislature also expressed that watershed units are the appropriate geographic planning and implementation element for addressing the health and economic productivity of the state's natural resources. They also saw the need for public agencies and private parties to continue with integrated and coordinated planning that works to avoid overlap and duplication of effort among watershed-based planning and implementation efforts.

The legislation does not grant any new rule-making authority nor direct any substantive changes to existing management policies established pursuant to law. It is set up to make policy recommendations for consideration by the legislature, to encourage coordination and integration of existing state agency and private party watershed planning and implementation, and develop a set of measurable objectives against which the effectiveness of watershed programs may be assessed. An Executive Order was attached to the bill that added more interest groups, required that goals and measurable objectives for watersheds must be developed on a statewide basis that addresses each local watershed.

Membership:

The council is comprised of representatives from the following.

- Department of Transportation
- Department of Agriculture
- Department of Ecology
- Department of Fish and Wildlife
- Department of Health
- Department of Community, Trade and Economic Development
- The Interagency Committee for Outdoor Recreation
- The Puget Sound Water Quality Authority
- The Conservation Commission

Appendix D
Maryland Department of the Environment's Responsible
Personnel Certification Program for Erosion and Sediment
Control ("Green Card")

Maryland Department of the Environment's Responsible Personnel Certification Program for Erosion and Sediment Control ("Green Card")

Maryland's Sediment Control Law requires applicants for erosion and sediment control plan approval to certify that any responsible personnel involved in a construction project have a certificate of attendance at a Maryland Department of the Environment (MDE) approved training program. Maryland statute requires erosion and sediment training for all construction foreman, superintendents, and project engineers involved in earth disturbing activities. Half-day training classes are scheduled throughout the year and special classes can be scheduled for companies needing certification of 15 or more individuals.

At the end of the class a test is administered to all those in attendance. Participants must pass the test to receive the certification (green card). If the participant fails the test he/she must attend the next available training session and take the test again. The certification is valid for a three period and is automatically renewed at the end of that period, unless it is determined that recertification is necessary.

Appendix C

Hardship Grants Program for Rural Communities

Hardship Grants Program for Rural Communities

In 1996 the U.S. EPA established a hardship grant program to provide grants to rural communities to help fund rural wastewater treatment projects. Congress appropriated \$50 million to the State Revolving Loan Fund for wastewater and water projects in disadvantaged communities. Each state wishing to apply for these funds must provide a 20% match.

In order to qualify for hardship funds communities must be:

- * Rural
- * have 3,000 people or fewer
- * lack centralized wastewater or collection systems or need improvements to on-site wastewater treatment systems (such as septic tanks) and the state determines that assistance will improve public health or reduce an environmental risk.
- * have a per capita income of 80% or less of nation per capita income.
- * have an unemployment rate that exceeds one percentage point or more of the average yearly national unemployment rate.

Kentucky has submitted a notice of intent to apply for funds from the program.

Appendix A

BR-275 - An act Related to Sewage Disposal

BR-275 - An act Related to Sewage Disposal

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 211.350 is amended to read as follows:

- (1) The cabinet shall regulate the construction, installation, or alteration of on-site sewage disposal systems except for systems that have a surface discharge.
- (2) No person, firm, or corporation shall construct, install, alter, or cause to be constructed, installed or altered any on-site sewage disposal system subject to regulation by the cabinet without having first obtained an on-site sewage disposal permit from the local health department ~~the cabinet~~. Nothing in this section shall be construed ~~as~~ to deny a farmstead owner the right to obtain a permit. Except for farmstead owners on their own property, the construction, installation, or alteration shall be performed only by a person certified by the cabinet pursuant to KRS 211.357.
- (3) No person, firm, or corporation shall use or continue to use or permit the use or continued use of any on-site sewage disposal system that is constructed, installed, or altered under an on-site sewage disposal permit if the cabinet or local health department through a duly-authorized inspector, employee, or agent finds that the system was not constructed, installed, or altered in conformance with the permit and regulations issued by the cabinet.
- (4) No certified electrical inspector acting under authority of KRS 227.491 shall issue the certificates of approval of temporary or permanent electrical wiring unless the inspector has in his or her possession a notice of release as described in paragraphs (a) and (b) of this subsection. The inspector shall record the number of the notice of release on the certificate of approval. The person requesting approval of electrical wiring shall be responsible for obtaining the release for the local health department and providing it to the electrical inspector. The requirement shall only apply to dwellings, mobile homes, manufactured housing, buildings, or other structures that are constructed or installed after the effective date of this Act. This requirement shall not apply to structures that do not have sewage waste fixtures or to those that are connected to a sewage waste disposal system approved by the Natural Resources and Environmental Protection Cabinet. Nothing in this section shall be construed to deny the continued use of any electrical service connected to wiring approved prior to the effective date of this Act.
 - (a) An initial notice of release to allow the temporary electrical power for construction shall be issued to the property owner or owner's agent by the local health department upon the application for a site evaluation.
 - (b) A final notice of release to allow for permanent electrical power shall be issued to the property owner or owner's agent by the local health department upon issuance of an on-site sewage disposal permit.
- (5) All applications for on-site sewage disposal permits shall be accompanied by plans and specifications for the proposed system, including results of soils tests and other information as directed by the cabinet by regulation. Any action to deny an application shall be subject to appeal, and upon appeal an administrative hearing shall be conducted in accordance with KRS Chapter 13B.
- ~~(6)~~~~(5)}~~ The cabinet shall fix a schedule of fees for the functions performed by the cabinet relating to the regulation of on-site sewage disposal systems. The fees shall be designed to full cover the cost of the service performed but shall not exceed the cost of the service performed. Fees payable to the cabinet shall be paid to into the State Treasury and credited to a trust and agency fund to be used by the cabinet in carrying out its responsibilities relating to the regulation of on-site sewage disposal systems. No part of the fund shall revert to the general fund of the Commonwealth.
- ~~(7)~~~~(6)}~~ Any regulation relating to on-site sewage disposal that is in effect of July 15, 1992, shall remain in effect until altered by the secretary. The secretary may issue additional regulations to carry out the purposes of this section.
- ~~(8)~~~~(7)}~~ Nothing in this section shall authorize or allow the cabinet to inspect or take enforcement action against on-site sewage disposal systems installed on farmsteads prior to July 15, 1992, or modifications to those systems unless the actions are determined in writing by the cabinet, upon a written, verified complaint, to be necessary to prevent imminent harm or damage to the safety, life, or health, of a person. In this instance, the

cabinet shall deliver to the landowner a copy of the written determination and the verified complaint prior to the commencement of the inspection or enforcement action.

Appendix E

Madison County Erosion Control Ordinance

Madison County Erosion Control Ordinance

Madison County, Kentucky incorporate an erosion control ordinance into its building code to reduce erosion during and after construction. Section 504.3 details erosion control measures required for development. These include

- * scope of coverage - a statement detailing that no disturbance will take place prior to the approval of an erosion control plan.

- * exemptions to erosion control plans.

Erosion control plans shall contain

- * plat drawn to scale of site location and adjacent properties

- * property boundaries

- * soil survey

- * existing topography

- * plans and specifications for drainage provisions

- * plans for removal and other disposition of sediment basins

Principles to be considered in reviewing the erosion control plans are:

- * plan should relate to specific site conditions

- * integration of surface and storm water drainage.

- * protection vegetative cover

- * planning of sediment basins

- * use of available technology to minimize soil erosion

The cost of compliance with the erosion control plan shall be included in the bond. Failure to complete work or comply with plan can result in Codes Enforcement Officer ordering a stoppage of work.

